

REMARKS

Prior to entry of this Amendment, claims 1-10 are pending in this application. By this Amendment claims 2, 5, 8-10 are amended; claim 1 is cancelled without prejudice to or disclaimer of the subject matter contained therein; and claim 11 is added. No new matter is added as support for newly added claim 11 may be found in the originally filed disclosure, e.g., at page 4, line 5 – page 5, line 10, and FIG. 1. Claim 11 is the sole independent claim.

Claims 2-11 are presented to the Examiner for further or initial prosecution on the merits. Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Applicant notes with appreciation the Examiner's acknowledgement that certified copies of all priority documents have been received by the U.S.P.T.O.

Applicant also notes the present action indicates that the drawings have been accepted by the Examiner.

Objection to the Specification

The disclosure is objected to because of the following informalities: same reference number "5" for different parts.

By the instant amendment, the specification has been amended to obviate the objection. Withdrawal of the objection to the specification is respectfully requested.

Claim Rejections - 35 U.S.C. § 102

Claims 1-5 and 9 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,493,831 (hereinafter, "Jansson"). Applicant submits that claim 1 has been cancelled

by this amendment, therefore, the rejection to claim 1 has been rendered moot. Nonetheless, Applicant respectfully traverses the rejection for the reasons discussed below.

Applicant respectfully submits that the Jansson reference fails to disclose or suggest each and every element of claim 11, and therefore, an anticipatory rejection has not been established.

For example, claim 11 recites, *inter alia*:

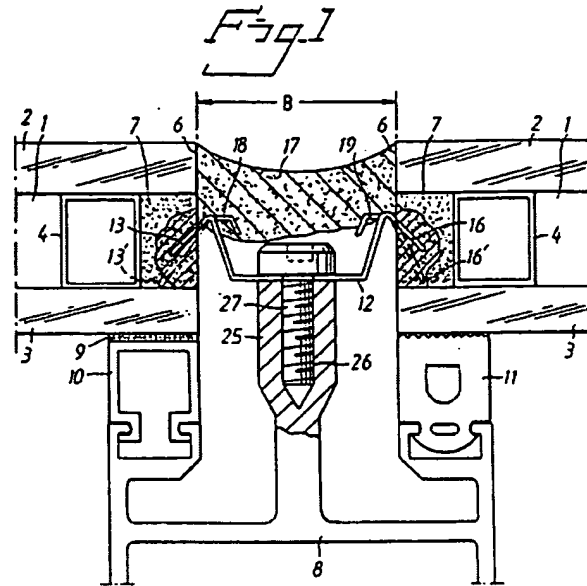
said retainer member has an articulated connection to said anchoring member, such that said anchoring member is rotatable from a first position to a second position,

in said first position, said device, upon mounting of said insulating-glass sheet, allows the insulating-glass sheet to be placed in a desired position, and

in said second position, said device grips at least one glass slab of said insulating-glass sheet.

In particular, Applicant respectfully submits that the Jansson reference fails to disclose or suggest, that “said retainer member has an *articulated connection* to said anchoring member,” as recited in claim 11.

In the outstanding Office Action, the Examiner contends that the clip member 12 of the Jansson reference corresponds to an “anchoring member.” However, Applicant respectfully submits that the clip 12 is not in an “articulated connection” with respect to the retainer member. Instead, the Jansson reference explicitly discloses “the clip [12] is then screwed firmly to the frame structure 8 and is therewith displaced into abutment with the frame structure while the tongues springs outwards and penetrates the glue layer.” (*See col. 4, lines 6-9 of the Jansson reference*). In this respect, FIG. 1 of the Jansson reference is reproduced below.



Therefore, because the clip 12 is securely attached to the retainer member 8 of the Jansson reference, it cannot be an “articulated connection.”

Further, Jansson’s arrangement cannot embody the advantages of the claimed invention as recited in claim 11 which is designed to achieve. For instance, the articulated connection may provide the anchoring member to be opened (or placed in the first position) and remain open without the need to use any tools. Further, it may be possible to fasten only one glass sheet at a time, which may facilitate the mounting operation considerably. In addition, less space between the glass sheets may be required due to that the anchoring member is turned in position, compared to cases where it is pushed in position.

Therefore, contrary to the Examiner’s contention, the Jansson reference does not disclose or suggest each and every element of claim 11.

Since the Jansson reference fails to disclose each and every element of claim 11, it cannot provide a basis for a rejection under 35 U.S.C. § 102(b) and, thus, is allowable. Claims 2-5 and 9 depend from claim 11 and, therefore, allowable for the similar reasons discussed above with respect to claim 11.

For at least these reasons, the Examiner is respectfully requested to reconsider and withdraw the § 102(b) rejection of claims 2-5, 9, and 11.

Claim Rejections - 35 U.S.C. § 103

Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Jansson in view of US Patent No. 4,766,709 (hereinafter, "Galbraith"). Applicant respectfully traverses this rejection for the reasons detailed below.

Claim 6 is believed to be allowable for at least the reasons set forth above regarding claim 11. The Galbraith reference fails to provide the teachings noted above as missing from the Jansson reference. For example, the Galbraith reference discloses that the anchor brackets 21 are fixed to the frame 11, such as by welding. (*See col. 6, lines 51-53 of the Galbraith reference*). Since claim 6 is patentable at least by virtue of their dependency on independent claim 11, Applicant respectfully requests that the rejection of claim 6 under 35 U.S.C. § 103(a) be withdrawn.

Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Jansson in view of US Patent No. 5,802,799 (hereinafter, "Thuleskar"). Applicant respectfully traverses this rejection for the reasons detailed below.

Claim 7 is believed to be allowable for at least the reasons set forth above regarding claim 11. The Thuleskar reference fails to provide the teachings noted above as missing from the Jansson reference. For example, the Thuleskar reference discloses that the framework elements 18 fastened to portion 16 by means of fastening elements 18. (*See Abstract of the Thuleskar reference*). Since claim 7 is patentable at least by virtue of their dependency on independent claim 11, Applicant respectfully requests that the rejection of claim 7 under 35 U.S.C. § 103(a) be withdrawn.

Claims 8 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Jansson. Applicant respectfully traverses this rejection for the reasons detailed below.

Claims 8 and 10 are believed to be allowable for at least the reasons set forth above regarding claim 11. Since claims 8 and 10 are patentable at least by virtue of their dependency on independent claim 11, Applicant respectfully requests that the rejection of claims 8 and 10 under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

In view of the above remarks and amendments, Applicant respectfully submits that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. Further, the above remarks demonstrate the failings of the outstanding rejections, and are sufficient to overcome the rejections. However, these remarks are not intended to, nor need they, comprehensively address each and every reason for the patentability of the claimed subject matter over the applied prior art. Accordingly, Applicant does not contend that the claims are patentable solely on the basis of the particular claim elements discussed above.

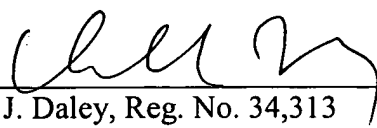
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley, at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By



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